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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,930	02/10/2006	Yasushi Miyajima	285627US6PCT	5384
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER RAJAN, KAI	
			ART UNIT 3736	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/567,930

Applicant(s)

MIYAJIMA ET AL.

Examiner

Kai Rajan

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 4, 6 - 14, 16 - 21, 23, and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6 - 14, 16 - 21, 23, and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Examiner acknowledges the amendment filed December 6, 2007.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11 – 14, 16, 18 – 21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nihitla U.S. Patent No. 6,817,979.

11. An image display device connected, via a network, to a plurality of bio-information acquiring devices that acquire bio-information on each of a plurality of persons under measurement, the image display device comprising:

bio-information receiving means for receiving the bio-information on the plurality of persons under measurement transmitted from each of the plurality of bio- information acquiring device devices (Figure 2A item 226, column 6 lines 24 – 45);

image generating means for generating an image on the basis of relationships among the plurality of bio-information received by the bio-information receiving means (Figure 2A item 126, column 6 lines 24 – 45); and
displaying means for displaying the image (Figure 2A items 222, 224).

12. The image display device according to claim 11, wherein the plurality of bio-information acquiring devices include an environmental information measuring means for quantitatively measuring environmental information of environments around the plurality of persons under measurement (Nihtila column 6 lines 24 – 45, column 10 lines 26 - 41); and

the image generating means generates images representing conditions of the plurality of persons under measurement and the environments around the plurality of persons on the basis of the bio-information and the environmental information (Nihtila column 6 lines 24 – 45, column 10 lines 26 – 41).

13. The image display device according to claim 11, further comprising read-out means for reading out information recorded in a recording medium, the image generating means generating images representing conditions of the plurality of persons under measurement and environments around the plurality of persons on the basis of bio-information and environment information pre-recorded in the recording medium (Nihtila column 6 lines 24 – 45, column 10 lines 26 – 41).

14. The image display device according to claim 11, wherein the image generating means generates images representing conditions of the plurality of persons under measurement (Column 6 lines 24 – 45); and

the displaying means displays the images representing the conditions of the plurality of persons under measurement simultaneously (Column 6 lines 24 – 45).

16. The system image display device according to claim 12, wherein the image generating means generates images reflecting the relation in the environmental information among the plurality of persons under measurement (Column 6 lines 24 – 45, column 10 lines 26 – 41).

18. The image display device according to claim 11, comprising read-out means for reading out information recorded in a recording medium, the image generating means generates images representing conditions of the plurality of persons under measurement and environments around the plurality of persons on the basis of bio-information and environmental information pre-recorded in the recording medium (Column 6 lines 24 – 45, column 10 lines 26 – 41).

19. A method of displaying an image, the method comprising the steps of:
receiving, via a network, bio-information on each of a plurality of persons under measurement (Figure 6 item 602, column 6 lines 24 – 45);
generating an image on the basis of relationships among the plurality of bio- information received in the receiving step (Figure 6 item 608, column 6 lines 24 – 45); and

displaying the image generated in the image generating step (Figure 6 item 614, column 6 lines 24 – 45).

20. The method according to claim 19, further comprising the step of quantitatively measuring environmental information of environments around the plurality of persons under measurement (Column 6 lines 24 – 45, column 10 lines 26 – 41); and

the step of generating the image comprises generating images representing conditions of the plurality of persons under measurement on the basis of the bio-information and the environmental information (Column 6 lines 24 – 45, column 10 lines 26 – 41).

21. The method according to claim 19, wherein the step of generating the image comprises generating receiving the bio information on a plurality of persons under measurement in the receiving step, images representing conditions of the plurality of persons under measurement (Column 6 lines 24 – 45); and

the step of displaying comprises displaying the images representing the conditions of the plurality of persons under measurement are displayed simultaneously (Column 6 lines 24 - 45).

23. The method according to claim 21, wherein the displaying comprises displaying the images that reflect a relation in environmental information among the plurality of persons under measurement (Column 6 lines 24 – 45, column 10 lines 26 – 41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nihtila U.S. Patent No. 6,817,979 in view of Mault U.S. Patent No. 6,478,736.

In regards to claim 1, Nihtila discloses an image displaying system, comprising:

a plurality of bio-information acquiring devices including means for measuring bio-information on each of a plurality of persons under measurement, and means for sending the bio-information (Nihtila figure 2A items 202, 203, 204, 206, 208, 211, column 6 lines 24 – 45); and

an image display device including receiving means for receiving the bio- information on the plurality of persons under measurement, transmitted from each of the plurality of bio-information acquiring devices, image generating means for generating an image on the basis of relationships among the plurality of bio-information received by the receiving means, and display means for displaying the image (Nihtila figure 2A items 126, 222, 224, 228, column 6 lines 24 – 45), wherein

the plurality of bio-information acquiring device devices and the image display device are located in different places and connected to each other via a network (Nihtila figure 2A items 202, 204, 206, 208, 211).

Nihtila discloses the information acquiring devices and the image display devices connected via a network (Nihtila figure 2A items 202, 204, 206, 208, 211). Nihtila fails to explicitly disclose the information acquiring devices and image display devices in different places. However, Mault a reference in an analogous art discloses a system comprising data acquisition devices connected via a network to remote display devices (Mault column 10 lines 31 – 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display devices of Nihtila to include remote display devices in different places, since Mault states that remote display devices allow experts to review acquired data and provide feedback to improve the user's health (Mault column 10 lines 31 – 57).

2. The image displaying system according to claim 1, wherein the image generating means generates an image representing conditions of the plurality of persons under measurement (Nihtila figure 3, column 6 lines 24 – 45).

3. The image displaying system according to claim 1, wherein the plurality of bio-information acquiring devices include environmental information measuring means for quantitatively measuring environmental information of environments around the plurality of persons under measurement (Nihtila column 10 lines 26 – 41); and

the image generating means generates images representing conditions of the plurality of persons under measurement and the environments around the plurality of persons on the basis of the bio-information and the environmental information (Nihtila column 10 lines 26 – 41).

4. The image displaying system according to claim 1, wherein the displaying means generates images of pseudo creatures representing a condition of each of the plurality of persons under measurement, and displays the plurality of pseudo creatures simultaneously (Nihtila column 6 lines 24 – 45).

6. The image displaying system according to claim 3, wherein the image generating means generates images reflecting the relation in the environmental information among the plurality of persons under measurement (Nihtila column 6 lines 24 – 45, column 10 lines 26 – 41).

9. The image displaying system according to claim 1, wherein the image display device includes read-out means for reading out information recorded in a recording medium (Nihtila figure 2A items 222, 224, and 228); and

the image generating means generates images representing conditions of the plurality of persons under measurement and environments around the plurality of persons on the basis of bio-information and environmental information read by the read-out means (Nihtila column 6 lines 24 – 45, column 10 lines 26 – 41).

10. The image displaying system according to claim 1, wherein the image display device includes speech generating means for generating a speech representing conditions of the plurality of persons under measurement on the basis of the bio-information and speech output means for outputting the speech (Nihtila column 8 lines 1 – 11).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nihtila U.S. Patent No. 6,817,979 in view of Mault U.S. Patent No. 6,478,736 and further in view of Rosenberg et al. U.S. Patent No. 5,956,484.

In regards to claim 7, Nihtila and Mault disclose a system comprising user – created avatars that allows for interaction between users and avatars via a network (Nihtila column 6 lines 24 – 45). Nihtila and Mault fail to disclose detecting a touch signal and transmitting a cutaneous stimulus. However Rosenberg et al. discloses a force – feedback communication system comprising user – created avatars that can interact with force feedback transmission via a network (Rosenberg et al. column 2 lines 31 – 65, column 14 lines 44 – 65). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the user interaction interface of Nihtila and Mault with the force – feedback interface of Rosenberg et al., since Rosenberg et al. states that force – feedback transmission enhances the user's experience with the interactive system, and the system of Nihtila and Mault is intended for motivation of the user through an interactive user interface.

8. The image displaying system according to claim 7, wherein the cutaneous-stimulus giving means gives stimulus at least by vibration, electric stimulus and friction (Rosenberg et al. column 2 lines 31 – 65, column 14 lines 44 – 65).

Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nihtila U.S. Patent No. 6,817,979 in view of Rosenberg et al. U.S. Patent No. 5,956,484.

In regards to claim 17, Nihtila discloses a system comprising user – created avatars that allows for interaction between users and avatars via a network (Nihtila column 6 lines 24 – 45). Nihtila fails to disclose detecting a touch signal and transmitting a cutaneous stimulus. However Rosenberg et al. discloses a force – feedback communication system comprising user – created avatars that can interact with force feedback transmission via a network (Rosenberg et al. column 2 lines 31 – 65, column 14 lines 44 – 65). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the user interaction interface of Nihtila with the force – feedback interface of Rosenberg et al., since Rosenberg et al. states that force – feedback transmission enhances the user's experience with the interactive system, and the system of Nihtila is intended for motivation of the user through an interactive user interface.

In regards to claim 24, Nihtila discloses a system comprising user – created avatars that allows for interaction between users and avatars via a network (Nihtila column 6 lines 24 – 45). Nihtila fails to disclose detecting a touch signal and transmitting a cutaneous stimulus. However Rosenberg et al. discloses a force – feedback communication system comprising user – created avatars that can interact with force feedback transmission via a network (Rosenberg et al. column 2 lines 31 – 65, column 14 lines 44 – 65). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the user interaction interface of Nihtila with the force – feedback interface of Rosenberg et al., since Rosenberg et al. states that force – feedback

transmission enhances the user's experience with the interactive system, and the system of Nihtila is intended for motivation of the user through an interactive user interface.

Response to Arguments

Applicant's arguments filed December 6, 2007 have been fully considered but they are not persuasive.

In regard to claims 1, 11, and 19, Applicant contends that Nihtila fails to disclose *generating an image on the basis of relationships among the received bio-information*. The Examiner respectfully disagrees.

Nihtila discloses collecting physiological data representing a plurality of physiological parameters (Nihtila column 2 lines 5 – 15). A server collects the physiological data and compiles a virtual model or avatar of the user using the collected data and user settings (Nihtila column 6 lines 24 – 45, figure 6 item 604). The resulting avatar comprises an *image* of the user. The incorporation of multiple physiological parameters into the avatar comprises a *relationship* among the parameters. Therefore, the applied prior art is sufficient to reject the claim limitation

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kai Rajan whose telephone number is 571-272-3077. The examiner can normally be reached on Monday - Friday 9:00AM to 4:00PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Marmor, II/
Supervisory Patent Examiner
Art Unit 3735

KR
January 30, 2008